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10/517,852

09/21/2005

Fredrik Engman

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06/26/2007

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EXAMINER

BUMGARNER, MELBA N

ART UNIT

PAPER NUMBER

3732

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

8

# Office Action Summary

Application No.

10/517,852

Applicant(s)

ENGMAN, FREDRIK

Examiner

Melba Bumgarner

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/1/04</u>   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because the figures do not match the brief description of the drawings in the specification and there are figures that do not have figure numbers. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because there are numerous instances of a reference character being used to designate multiple elements, such as reference character "45" has been used to designate both "annular shoulder" and "solid body". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: reference to figure numbers and reference numbers throughout the specification and the drawings are inconsistent. For example, page 14 line 13, says "[r]eferring to Figures 10 and 13, the inner region of a plastic coping (42)", "42" is described as abutment on page 15 and figure 13 is described as abutment connection. Appropriate correction is required.

It is suggested that the applicant insert headings in the specification.

***Claim Objections***

3. Claim 16 is objected to because of the following informalities: the term “retraining”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, it is unclear what is claimed in addition to “plastics coping”. In claim 13, trademark or trade names are used in the claims as a limitation to identify or describe a particular material, which does not comply with the requirements of 35 USC 112, second paragraph. The claim scope is uncertain since the trademark or trade names cannot be used to identify any particular material or product. If the applicant substitutes alternative limitations, the applicant must show that the trade names used in the specification represent the alternative limitations.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall

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have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1- 4, 6, 7, 11, 12, 14-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Coatoam (2003/0087217). Coatoam discloses a prosthetic dental plastics coping 176,189, shown not mounted and is anatomically resemblant to a tooth. The coping is adapted to be rotatably mounted with 360 degrees of freedom. The coping is resemblant of a prosthesis and prepared tooth. The coping is resemblant to an incisor. The coping is adapted to be rotatably mounted with 360 degrees of freedom. The coping is adapted to snap fit with the abutment. The coping comprises plastic or wax material [0034]. Coatoam discloses a dental prosthetic assembly comprising a plastic abutment 174 and prosthetic plastics coping 176, the abutment is adapted to engage the coping. The abutment forms a rotatable fit with the coping, with the coping comprising an annular lip 180 and the abutment comprising an annular recess.

8. Claims 1, 3, 4, 10, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Willoughby (5,873,721). Willoughby discloses a prosthetic dental plastics coping 62, shown not mounted and is anatomically resemblant to a tooth. The coping is resemblant of a prosthesis and prepared tooth. The coping is resemblant to a canine. The coping comprising a transgingival margin.

9. Claims 1-4, 6, 7, 12, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (6,217,331). Rogers et al. disclose a prosthetic dental plastics coping 310, shown in figures not mounted and is anatomically resemblant to a tooth. The coping is adapted to be rotatably mounted with 360 degrees of freedom. The coping is resemblant of a prosthesis and prepared tooth. The coping is adapted to form a snap fit

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with the abutment. Rogers et al. disclose a coping 180 made of wax material. Rogers et al. disclose a dental prosthetic assembly comprising a plastics abutment 260 and prosthetic plastics coping 280, the abutment is adapted to engage the coping. Rogers et al. show an embodiment of the abutment forming a rotatable fit with the coping, with the coping comprising an annular recess and the abutment comprising an annular lip.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-10 are rejected as understood, under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. Rogers et al. disclose a coping that shows the limitations as described above and resemblant of a tooth; however, they do not show the coping resemblant to a specific type of tooth. It would have been obvious to one having ordinary skill in the art as to the coping resemblant to a specific tooth in order to serve as attachment to implant for reconstruction of a specific tooth as a permanent coping and its resemblance is not critical as a temporary coping.

12. Claim 13 is rejected as understood, under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. in view of Kenney (3,602,993). Rogers et al. disclose a coping that shows the limitations as described above; however, they do not show the plastic material of LEXAN 141. Kenney teaches a coping of Lexan. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the plastic

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material of Kenney as both polymeric material of Rogers et al. and Lexan are biocompatible and known in the art for such use.

*Conclusion*

13. Any inquiry concerning this communication from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melba Bumgarner  
Primary Examiner